

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JENNIFER HASEMANN and DEBBIE HOTH,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 1:15-cv-02995-EK-RER

JEREMY GREENE and CETARIA
WILKERSON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 1:16-cv-1153-EK-RER

WENDY MANEMEIT, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 2:17-cv-00093-EK-RER

**STATUS REPORT AND STIPULATION REGARDING THE CURRENT CASE
SCHEDULING ORDER**

WHEREAS Plaintiffs and Gerber Products Company (d/b/a Nestlé Nutrition, Nestlé Infant Nutrition, or Nestlé Nutrition North America) (collectively the “Parties”) have met and conferred regarding the effect of the coronavirus pandemic on this case and its schedule; and whereas the parties agree that the case should now proceed again, after having agreed to suspend the schedule four times before, due to pandemic-related concerns (on April 3, 2020; April 29, 2020; July 2, 2020; and September 8, 2020);

WHEREAS the current (but suspended) Scheduling Order provides that the depositions of the five merits experts in this case were supposed to have occurred on or before April 17, 2020;

WHEREAS there have been twelve prior extensions of various case deadlines in this matter, which this Court has granted in orders dated September 8, 2020; July 2, 2020; April 29, 2020; April 3, 2020; November 1, 2019; April 16, 2019; December 11, 2018; October 9, 2018; March 26, 2018; February 8, 2017; October 11, 2016; and June 29, 2016;

WHEREAS, on September 8, 2020, the Parties requested and the Court entered an Order suspending all dates in the Scheduling Order through January 8, 2021, and requiring the Parties to provide the Court with a Status Report on January 18, 2021, regarding what next steps they believed were warranted with respect to an Amended Consolidated Scheduling Order, or whether they believed a continued stay of dates was still appropriate;

WHEREAS the Parties have met and conferred regarding the effect of the coronavirus pandemic on the current schedule and agree that the cases can proceed;

WHEREAS the previous four stays have affected the following deadlines, which remained in place during the stays:

- a) **April 17, 2020:** depositions of affirmative expert witnesses;
- b) **May 6, 2020:** submission of rebuttal expert witness reports;
- c) **June 10, 2020:** depositions of rebuttal expert witnesses;
- d) **June 17, 2020:** close of expert discovery; and
- e) **June 24, 2020:** service of pre-motion letters regarding proposed dispositive motions.

IT IS HEREBY STIPULATED AND AGREED between and among the

Parties, by and through their undersigned counsel, that:

- 1. Plaintiffs' cases can proceed again, and
- 2. the Parties propose the following Amended Scheduling Order:
 - a) **May 18, 2021:** depositions of affirmative expert witnesses;
 - b) **June 18, 2021:** submission of rebuttal expert witness reports;
 - c) **July 30, 2021:** depositions of rebuttal expert witnesses;
 - d) **August 6, 2021:** close of expert discovery; and
 - e) **August 13, 2021:** service of pre-motion letters regarding proposed dispositive motions.

Dated: New York, New York
January 18, 2021

On Behalf of Plaintiffs:

TAUS CEBULASH & LANDAU LLP

By: /s/ Miles Greaves
Miles Greaves
80 Maiden Lane
New York, New York 10038
(212) 931-0704
Attorneys for Plaintiffs

On Behalf of Defendant:

KELLEY DRYE & WARREN LLP

By: /s/ Jaclyn M. Metzinger
Jaclyn M. Metzinger
101 Park Avenue
New York, New York 10178
(212) 808-7800
Attorneys for Defendant

SO ORDERED: _____

Hon. Eric R. Komitee, U.S.D.J.